IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 23RD MAY 2007 / 2ND JYAISHTA 1929

Crl.MC.No. 1127 of 2007()

CRIME NO.314/93 OF ATTINGAL POLICE STATION
CP.29/2007 of JUDL. MAGISTRATE OF FIRST CLASS COURT-I, ATTINGAL

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PETITIONER: 2ND ACCUSED

SUDARSANAN, S/O.SUKUMARAN,
ALAKKARAYIL PAZHINJIYIL VEEDU,
KULAPPATTOM, KEEZHATTINGAL DESOM,
KEEZHATTINGAL VILLAGE.

BY ADV. SRI.V.N.ACHUTHA KURUP (SR.)
SRI.B.S.SWATHY KUMAR
SRI.BINDU SREEKUMAR
SRI.K.G.RENGANATH

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REP. BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. S.U. NAZAR

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 23/05/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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Crl.M.C.No. 1127 of 2007

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Dated this the 23rd day of May, 2007

O R D E R

The petitioner is one of the accused persons, who faces allegations, inter alia, under Sections 307 and 302 I.P.C. A crime was registered as early as in 1993. Two of the co-accused were apprehended and they stood trial. They were acquitted, it is submitted. The petitioner and another co-accused were absconding. They did not appear before the courts for the past about 1½ decades. At long last the petitioner was arrested. Indulgently bail was granted to him notwithstanding his conduct of absconding. A condition was imposed that the petitioner must surrender his passport. He surrendered his passport. He has been enlarged on bail. He now complains that the condition imposed is onerous and that the said condition works out injustice against him. It is prayed that the said condition may be deleted. He may be permitted to leave for his place of employment abroad. The petitioner undertakes to appear as and when his presence is required.

2. The application is opposed. The report of the learned Magistrate was called for. The learned Magistrate was directed to expeditiously complete the committal proceedings. The learned Magistrate reports that the same is not possible as the co-accused is absconding and efforts are afoot to procure his presence. It is too early to consider deletion of the conditions imposed, submits the Prosecutor.

3. Having considered all the relevant inputs, I am not at all persuaded to interfere with the condition imposed at this stage. However, I must observe that in the nature of facts and circumstances of this case it is unnecessary to indefinitely wait for appearance/apprehension of the co-accused, who has been absconding for a long period of time now.

4. This Crl.M.C. is hence dismissed. I may hasten to observe that the learned Magistrate should not indefinitely wait for the appeareance/ apprehension of the absconding co-accused and must proceed expeditiously to commit the case in so far as it relates to the petitioner to the Court of Sessions, after complying with all legal stipulations.

(R. BASANT)
Judge

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